

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

vs.

WALTER HENRY JOHNSON III,

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Criminal No. 3:12-CR-175-O (16)

ORDER

Before the Court is Defendant's September 8, 2016 motion to appoint counsel. Doc. 1584. Defendant seeks the assistance of counsel in filing and prosecuting a motion seeking relief under United States Sentencing Guidelines Amendment 794, which amended the commentary following U.S.S.G. §3B1.2 to clarify the applicability of mitigating role adjustments.

Defendant is not entitled to appointment of counsel in a collateral proceeding as a matter of right. In the event Defendant files a motion to vacate sentence under 28 U.S.C. § 2255 and the Court subsequently determines that an evidentiary hearing is required to resolve claims raised in the motion, the Court will appoint counsel.

Accordingly, Defendant's motion to appoint counsel is **DENIED** without prejudice.

SO ORDERED, September 7, 2016.


Reed O'Connor
UNITED STATES DISTRICT JUDGE